

**Exhibit C**

**Filed**  
**10 March 14 P10:30**  
**Hannah Kunkle**  
**District Clerk**  
**Collin District**

CAUSE NO. 269-01079-2010

**TERRY PATRICK GORMAN  
AND  
KAREN GORMAN**

## Plaintiffs

**vs.**

**DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS INDENTURE TRUSTEE  
UNDER THE INDENTURE RELATING  
TO IMH ASSETS CORP,  
COLLATERALIZED ASSET-BACKED  
BONDS, SERIES 2005-7**

**Defendant**[illegible]

**IN THE DISTRICT COURT OF**

**COLLIN COUNTY, TEXAS**

296th JUDICIAL DISTRICT

**PLAINTIFFS' ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiffs **TERRY PATRICK GORMAN** and **KAREN GORMAN** files this their "Plaintiffs' Original Petition" as follows:

### **A. Designation of Discovery Control Plan**

1.01. Discovery for the following claims is intended to be conducted under Level 2 of the Texas Rules of Civil Procedure 190.

### **B. Subject Matter Jurisdiction and Venue**

1.02. The Court has jurisdiction over the following claims because this is a civil matter and the damages sought are within the jurisdictional limits of the Court.

1.03 Venue is proper in Collin County because it is the county in which all or a substantial part of the events giving rise to the claim occurred.

**PLAINTIFFS' ORIGINAL PETITION**

glaw 3.13.2010

**C. Parties and Service**

1.04 Plaintiffs **TERRY PATRICK GORMAN** and **KAREN GORMAN** are individuals residing in Collin County, Texas.

1.05 Defendant **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE UNDER THE INDENTURE RELATING TO IMH ASSETS CORP, COLLATERALIZED ASSET-BACKED BONDS, SERIES 2005-7** (hereafter, "Deutsche Bank") is a business entity doing business in the State of Texas and may be served with process by service upon its following agent for service of process:

Texas Secretary of State  
1019 Brazos  
Austin, Texas  
for mailing to:  
**C T Corporation System, 350 North St. Paul St.  
Dallas, TX 75201 USA**

**D. GENERAL BACKGROUND**

1.06 Plaintiffs Gorman are the owners of their home located at 2812 Browning Drive, Plano, Texas 75093 ("Homestead").

1.07 Plaintiffs Gorman have previously executed that certain debt instrument ("Homestead Note") of which Defendant Deutsche Bank now allegedly owns.

1.08 The current owner of the Homestead Note is believed to be Defendant Deutsche Bank.

1.09 Since the creation of the Homestead Note, Plaintiffs Gorman have made significant payments to be applied to interest and principal.

1.10 Due to unforeseen and expected economic changes in the North Texas area, during certain periods since the creation of the Homestead Note, Plaintiffs Gorman have fallen

behind with regards to certain payments on the Homestead Note.

1.11 Since falling behind in payments, Defendant Deutsche Bank has misapplied payments, not accounted for all payments, and charged fees and penalties not allowed by applicable laws. Notwithstanding said actions, Defendant Deutsche Bank has attempted to force money from Plaintiffs by pursuing an improper foreclosure sale of the Homestead.

**E. Plaintiffs Gorman's Causes of Action**

1.12 Plaintiffs Gorman incorporate by reference the facts set forth in Sections 1.06 through 1.11 hereof.

1.13 As result of actions taken by Defendant Deutsche Bank with regard to the Homestead Note and the attempts to foreclose the Homestead of Plaintiffs Gorman, Plaintiffs Gorman asserts the following claims:

- a. Defendant Deutsche Bank has violated the Texas Finance Act.
- b. Defendant Deutsche Bank has violated the applicable Texas Usury laws.
- c. Defendant Deutsche Bank has violated the applicable Texas collection debt practices laws.
- d. Defendant Deutsche Bank's actions toward Plaintiffs have been in violation of public policy of the State of Texas.
- e. Defendant Deutsche Bank's actions toward Plaintiffs are unconscionable and tortious in nature with regard to the actions of a lender to a borrower, and

- f. Defendant Deutsche Bank's actions toward Plaintiffs qualify as "predatory lending practices" in violation of the laws and conscious of the State of Texas.

As a result, Plaintiffs Gorman sues for damages against Defendant Deutsche Bank for each of the foregoing stated causes of action, in an amount within the jurisdictional limits of this Court for which Plaintiffs now seeks from Defendant.

1.14 Plaintiffs Gorman further seeks relief for Defendant Deutsche Bank's efforts to wrongfully foreclose on the Plaintiffs' Homestead. Plaintiffs Gorman (a) sues for damages against Defendant Deutsche Bank for such actions, in an amount within the jurisdictional limits of this Court, and (b) seeks an order from this Court prohibiting the foreclosure of the Homestead.

1.15 Defendant Deutsche Bank's actions towards Plaintiffs Gorman have also been, as stated, unconscionable, and further, malicious and predatory in such a nature to entitle Plaintiffs Gorman to all penalty, exemplary, and punitive damages allowed by law, in an amount within the jurisdictional limits of this Court.

1.16 Further, Plaintiffs Gorman is entitled to recover reasonable and necessary attorney fees under the laws of the State of Texas and hereby requests same, in an amount within the jurisdictional limits of this Court.

**F. Request for Disclosure**

1.17 Plaintiffs Gorman hereby requests that Defendant Deutsche Bank provide the applicable answers to the Request for Disclosure provided by the Texas Rules of Civil Procedure.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs Gorman pray that upon final trial hereof, that judgment be entered in favor of Plaintiffs Gorman, that all costs of Court be taxed against Defendant Deutsche Bank, and that Plaintiffs Gorman have such further and other relief, general and special, both at law or in equity, to which he may show himself to be justly entitled.

Respectfully submitted,

Gorman Law Offices, P.C.

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